

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

GENERAL INSURANCE COMPANY)
OF AMERICA,)

Plaintiff,)

v.)

Case No. CV 2787

CLARK MALL CORP. d/b/a DISCOUNT MEGA)

Judge Guzman

MALL CORP., MARCOS I. TAPIA, JUAN E.)

BELLO, JOSE L. GARCIA, LETICIA HURTADO,)

Magistrate Judge Ashman

YOUNG S. KO, MARIANO KON, CHOONG I.)

KUAN, ROSA G. MADRIGAL, HILDA)

MENDOZA, MAN OK NO, HEE T. PARK,)

SUNG W. PARK, MARIA L. ROMAN,)

VICTOR H. VISOSA, KYUN HEE PARK and)

JENNIFER PARK,)

Defendants.)

MOTION FOR LEAVE TO APPOINT SPECIAL PROCESS SERVER

NOW COMES the Plaintiff, General Insurance Company of America, by and through its counsel, Mary K. Cryar, and in support of its Motion for Leave to Appoint Special Process Server, states as follows:

1. On or about May 14, 2008, Plaintiff filed this declaratory judgment action.
2. On or about May 14, 2008, undersigned counsel had a telephone conference with Lawrence Ordower, counsel for Defendant Clark Mall Corp. d/b/a Discount Mega Mall Corp., Jennifer Park and Kyun Hee Park in the underlying lawsuit during which undersigned counsel requested and Mr. Ordower agreed, to accept service of process for his clients.
3. On June 16, 2008, Defendants Discount Mega Mall Corp., Jennifer Park and Kyun Hee Park filed their Answer to the instant Declaratory Complaint. Discount Mega Mall Corp., Jennifer Park and Kyun Hee Park are represented in this matter by Mr. Ordower. No Answer was filed on behalf of Defendant Clark Mall Corp.

4. Upon receipt of the Answer, undersigned counsel telephoned Mr. Ordower to inquire why he had not answered on behalf of Clark Mall Corp. Mr. Ordower advised he did not agree to accept service for Clark Mall Corp. Undersigned counsel asked whether Mr. Ordower would accept service for Clark Mall specifically and he said refused to do so.

5. On July 11, 2008, a summons was issued for Clark Mall Corp. through its registered agent for service of process, Lawrence B. Ordower, the same Lawrence B. Ordower who is representing Discount Mega Mall Corp., Jennifer Park and Kyun Hee Park in the instant matter and the same Lawrence B. Ordower who refused to accept service for Clark Mall Corp.

6. The Cook County Sheriff's Office has attempted six times to serve Clark Mall Corp. through Mr. Ordower but Mr. Ordower has never been in his office to accept service. (See Exhibit A, Return from Cook County Sheriff's Office).

7. Under Federal Rule of Civil Procedure 4, the court within its discretion may authorize the appointment of a special process server upon motion.

8. Plaintiff requests leave to appoint Jeffrey F. Mills of Target Service as its special process server.

WHEREFORE, Plaintiff, respectfully requests that this Honorable Court enter an Order appointing Jeffrey F. Mills of Target Service as a special process server.

Respectfully submitted,

GENERAL INSURANCE COMPANY OF
AMERICA

s/Mary K. Cryar

William K. McVisk, ARDC #1871307
Mary K. Cryar, ARDC #06279042
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#1922561

SHERIFF'S NUMBER 093671-001D CASE NUMBER 08CV2787

DEPUTY: J. 11024

FILED DT 07-11-2008 RECEIVED DT 07-11-2008 DIE DT 08-28-2008 MULTIPLE SERVICE 1

DEFENDANT

CLARK MALL CORP DBA DISCOUNT MEGA MALL CORP

1 N LA SALLE ST
CHICAGO IL 60602

ATTORNEY

JOHNSON & BELL, LTD

33 W MONROE ST

CHICAGO IL 60631

312 372-0770

PLAINTIFF GENERAL INSURANCE CO OF A

SERVICE INFORMATION: CN

C/O LAWRENCE IS ORDERED

FOREIGN

(A) I CERTIFY THAT I SERVED THIS SUMMONS ON THE DEFENDANT AS FOLLOWS:

.....1 PERSONAL SERVICE: BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT WITH THE NAMED DEFENDANT PERSONALLY.

.....2 SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE SUMMONS AND A COPY OF THE COMPLAINT AT THE DEFENDANT'S USUAL PLACE OF ABODE WITH SOME PERSON OF THE FAMILY OR A PERSON RESIDING THERE, OF THE AGE OF 13 YEARS OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS THEREOF. ALSO, A COPY OF THE SUMMONS WAS MAILED ON THE

DAY OF 20, IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID, ADDRESSED TO THE DEFENDANT AT HIS OR HER USUAL PLACE OF ABODE. SAID PARTY REFUSED NAME

.....3 SERVICE ON: CORPORATION COMPANY BUSINESS PARTNERSHIP BY LEAVING A COPY OF THE SUMMONS AND COMPLAINT (OR INTERROGATORIES) WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE DEFENDANT.

.....4 CERTIFIED MAIL

(B) THOMAS J. DART, SHERIFF, BY: J. 11024, DEPUTY

1 SEX M/F RACE AGE

2 NAME OF DEFENDANT CLARK MALL CORP DBA DISCOUNT MEGA MALL CORP
WRIT SERVED ON NB#2

THIS 28 DAY OF July, 2008 TIME 10:45 A.M./P.M.

ADDITIONAL REMARKS

Attorneys hours unknown / no set hours

THE NAMED DEFENDANT WAS NOT SERVED.

TYPE OF BLDG

office

ATTEMPTED SERVICES

NEIGHBORS NAME

ADDRESS

REASON NOT SERVED:

- | | |
|--|--|
| <input checked="" type="checkbox"/> 01 MOVED | <input type="checkbox"/> 07 EMPLOYER REFUSAL |
| <input checked="" type="checkbox"/> 02 NO CONTACT | <input type="checkbox"/> 08 RETURNED BY ATTY |
| <input checked="" type="checkbox"/> 03 EMPTY LOT | <input type="checkbox"/> 09 DECEASED |
| <input checked="" type="checkbox"/> 04 NOT LISTED | <input type="checkbox"/> 10 BLDG DEMOLISHED |
| <input checked="" type="checkbox"/> 05 WRONG ADDRESS | <input type="checkbox"/> 11 NO REGISTERED AGT. |
| <input checked="" type="checkbox"/> 06 NO SUCH ADDRESS | <input type="checkbox"/> 12 OTHER REASONS |
| | <input type="checkbox"/> 13 OUT OF COUNTY |

FEE .00 MILEAGE .00 TOTAL .00

SG56

PLAINTIFF'S
EXHIBIT

A

DATE

TIME A.M./P.M.

16 July 08	10:30a	11024	Not in today
17 JUL 08	11:14	11110	Per Rockie
18 JUL 08	7:56a	10001	
21 JUL 08	10:43	11110	in court, Rockie
22 July 08	10:40	11024	Court
28 July 08	10:45	11024	Not in